

### REMARKS/ARGUMENTS

This Amendment is submitted in response to the Examiner's Action dated April 4, 2003, having a shortened statutory period set to expire July 4, 2003, extended to October 4, 2003.

In that action the Examiner has objected to claim 1 and has rejected claims 1, 3, 5-7, 9, 11-12 under 35 U.S.C. § 102(b) as being anticipated by *Miska, et al.*, United States Patent No. 5,764,644 and has rejected claims 13, 15 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over *Miska, et al.* Those rejections, insofar as they might be applied to the claims as amended herein, are respectfully traversed.

As described in the present specification the topology depicted within Figure 2 includes Network Access Function 220 which consolidates traffic to and from access devices. As set forth in the specification at page 13, lines 22 et seq., the communication network thus equipped "is inherently capable of supporting either wireless or wireline services (or both). Various access interface standards can be adapted at the edge of the network via Network Access Function 220, which is generally referred to as 'NAF'. Consequently, the infrastructure is capable of supporting any or all access standards, either alternatively or concurrently, which promotes the mixing of wireless and wireline access as well as incorporating multiple wireless and wireline standards." Thus, as described in the present specification, edge switches 301 are depicted which, by utilizing the Network Access Function 220 described above, are capable of providing a connection to an ATM fabric for multiple cellular frequency modulation schemes, residential wideband data, satellite high speed transmission or local multipoint distribution systems as depicted within Figure 3 and is described in the present specification at page 14, lines 15 et seq.

In contrast, *Miska, et al.*, relied upon by the Examiner to anticipate the invention set forth within claims 1, 3, 5-7, 9 and 11-12 of the present application and to render unpatentable the

invention set forth within claims 13, 15 and 17-18 merely describes a system wherein the switches coupled to an ATM network may transmit data to or from those switches at one of multiple data rates. Thus as described within *Miska, et al.* at column 2, lines 37 et seq., the system described therein is asserted to improve signal quality by “reducing the number of times that a wireless to wireless transmission of a communication signal is encoded to its native rate.” Further, *Miska, et al.* merely teaches that data intended from one mobile device to another mobile device is transmitted at the native rate without data rate modification in order to increase the quality of the transmitted signal. Those signals intended for receipt by nonwireless phones are recoded to a higher data rate common for transmission to such phones. However, *Miska, et al.* clearly teaches that the switch devices, located about the periphery of the ATM backbone network, are incapable of receiving both wireless and wireline data, as expressly set forth within the claims of the present application.

As an example of this, the Applicant respectfully urges the Examiner to consider that at column 4, lines 33 et seq., *Miska, et al.* describes system 10 and includes switch A 12 which supports wireless access, a switch B 14 which supports wireline access and a switch C 16 which supports wireless access. Further, as depicted within Figure 2 of *Miska, et al.*, multiple mobile switching centers 26 and 42 are depicted which are utilized to connect to mobile systems. Connection to wired communication elements in each instance occurs by transmitting the wireless data received, at a different data rate, to a central office (34 or 74) for conversion to analog data capable of being received by a wired telephone device.

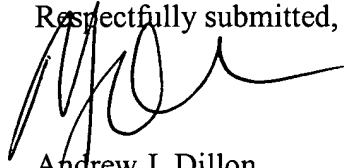
Upon calm reflection, it is therefore hoped that the Examiner will comprehend that the Network Access Function set forth within the claims of the present application is clearly different from the system described in *Miska, et al.* in that each Network Access Function is

capable of receiving and transmitting both wireless and wireline data in a manner not comprehended by the system depicted within *Miska, et al.* Consequently, Applicant urges that *Miska, et al.* cannot be said to anticipate the invention set forth within claims 1, 3, 5-7, 9 and 11-12 in that the *Miska, et al.* system clearly and expressly states that each switch contained therein is capable of handling either wireless or wireline data and that no switch or access function present within *Miska, et al.* is capable of handling both wireless and wireline data as expressly described in the present specification and expressly set forth within these claims. Consequently, withdrawal of the Examiner's rejection of claims 1, 3, 5, 7, 9 and 11-12 is respectfully requested.

With respect to the Examiner's rejection of claims 13, 15 and 17-18 over *Miska, et al.*, the Applicant respectfully urges the Examiner to consider that these claims also expressly recite instructions for causing transmission of both wireless and wireline data to a Network Access Function and *Miska, et al.* cannot be said to show or suggest this function in view of the express recitation therein that each switch within *Miska, et al.* is capable of handling either wireless or wireline transmissions. Consequently, Applicant urges that the Examiner's rejection of claims 13, 15, and 17-18 should be withdrawn.

A request for a three-month extension of time and a check for the appropriate fee is enclosed herewith. No additional fee is believed to be required; however, in the event an additional fee is required please charge that fee to **Bracewell & Patterson, L.L.P. Deposit Account No. 50-0259.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJD', is written over the typed name 'Andrew J. Dillon'.

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